

Senate Bill No. 1817

CHAPTER 541

An act to amend Section 3368 of the Labor Code, relating to workers' compensation.

[Approved by Governor September 16, 1998. Filed
with Secretary of State September 17, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1817, Johnston. Workers' compensation: work experience education.

Existing law considers any school district, county superintendent of schools, or school administered by the State Department of Education, that supervises a setting including work experience education, cooperative vocational education, community classroom, job shadowing experience, registered student apprenticeship, as defined, to be the employer of persons receiving the training for the purpose of workers' compensation law unless the person is being paid a cash wage or salary by a private employer.

Existing law, however, makes this requirement applicable in the case of a registered student apprentice when the educational agency elects to provide workers' compensation insurance.

This bill would provide that the educational agency may elect to provide workers' compensation coverage in the case of students being paid a cash wage or salary by a private employer in supervised work experience education or cooperative vocational education, for a transitional period not to exceed 3 months, or in the case of a registered student apprentice.

The people of the State of California do enact as follows:

SECTION 1. Section 3368 of the Labor Code is amended to read:

3368. Notwithstanding any provision of this code or the Education Code to the contrary, the school district, county superintendent of schools, or any school administered by the State Department of Education under whose supervision work experience education, cooperative vocational education, or community classrooms, as defined by regulations adopted by the Superintendent of Public Instruction, or student apprenticeship programs registered by the Division of Apprenticeship Standards for registered student apprentices, are provided, shall be considered the employer under Division 4 (commencing with Section 3200) of persons receiving this training unless the persons during the training are being paid a cash wage or salary by a private employer. However, in the case of

students being paid a cash wage or salary by a private employer in supervised work experience education or cooperative vocational education, or in the case of registered student apprentices, the school district, county superintendent of schools, or any school administered by the State Department of Education may elect to provide workers' compensation coverage, unless the person or firm under whom the persons are receiving work experience or occupational training elects to provide workers' compensation coverage. If the school district or other educational agency elects to provide workers' compensation coverage for students being paid a cash wage or salary by a private employer in supervised work experience education or cooperative vocational education, it may only be for a transitional period not to exceed three months. A registered student apprentice is a registered apprentice who is (1) at least 16 years of age, (2) a full-time high school student in the 10th, 11th, or 12th grade, and (3) in an apprenticeship program for registered student apprentices registered with the Division of Apprenticeship Standards. An apprentice, while attending related and supplemental instruction classes, shall be considered to be in the employ of the apprentice's employer and not subject to this section, unless the apprentice is unemployed. Whenever this work experience education, cooperative vocational education, community classroom education, or student apprenticeship program registered by the Division of Apprenticeship Standards for registered student apprentices, is under the supervision of a regional occupational center or program operated by two or more school districts pursuant to Section 52301 of the Education Code, the district of residence of the persons receiving the training shall be deemed the employer for the purposes of this section.

